

★ JUL 06 2015 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

HANMING FENG, *on behalf of himself and all
others similarly situated,*

Plaintiff,

-against-

SOY SAUCE LLC, *d/b/a SOYSAUCE GLATT
KOSHER CHINESE TAKE OUT, and
JOHN DOE,*

ORDER
15 CV 3058 (FB)(LB)

Defendants.

X

BLOOM, United States Magistrate Judge:

Gavriel Borenstein, on behalf of himself and Soy Sauce LLC, requests an extension of time of 30 days to answer the complaint. (ECF No. 7.)¹ Mr. Borenstein requests the extension as he has been unable to obtain an attorney and as owner of Soy Sauce LLC, realizes that he cannot appear to represent the corporation.² Mr. Borenstein does not state whether he contacted plaintiff's attorney to seek his consent, which he must do before requesting an adjournment in the future, but a first request for an extension of time to respond is often granted as a courtesy. The request is granted. Defendants shall respond to plaintiff's complaint by August 6, 2015.

Mr. Borenstein also requests *pro bono* counsel. There is no right to counsel in a civil case. Martin-Trigona v. Lavien, 737 F.2d 1254, 1260 (2d Cir. 1984). The Court cannot compel an attorney to represent a litigant in a civil case without a fee. Mallard v. U.S. Dist. Court, 490 U.S. 296 (1989). The Court may only request an attorney to volunteer and looks to a number of factors to determine whether it is appropriate to request a volunteer attorney for a particular case. The first consideration is whether the party's position is "likely to be of substance." Ferelli v. River Manor Health Care Ctr., 323 F.3d 196, 204 (2d Cir. 2003). At this early stage of the litigant, Mr. Borenstein's position does not establish the threshold requirement that his claims are "likely to be of substance." Accordingly, Mr. Borenstein's request for *pro bono* counsel is denied

¹ While the complaint lists the individual defendant as "John Doe," the executed summons filed by plaintiff's counsel lists the individual as "John Doe a/k/a Gavriel Borenstein." (ECF No. 5 at p. 2.) It appears that plaintiff intends to name Mr. Borenstein as the individual defendant in this action.

² To clarify, the Court notes that Mr. Borenstein can appear in court to represent himself as a defendant. He cannot appear to represent Soy Sauce, LLC.

without prejudice. The Court notes that there is an attorney located in the courthouse who works for the City Bar Justice Center and serves as a resource for *pro se* litigants. Attached is an information sheet explaining how Mr. Borenstein may schedule a consultation with that attorney.
SO ORDERED.

/S/ Judge Lois Bloom

LOIS BLOOM
United States Magistrate Judge

Dated: July 6, 2015
Brooklyn, New York



The Federal Pro Se Legal Assistance Project at the Brooklyn Federal Courthouse

The Federal Pro Se Legal Assistance Project is a free service offered by the City Bar Justice Center of the New York City Bar Association. The Legal Assistance Project provides information, advice, and limited-scope legal assistance to people proceeding pro se (without lawyers) in federal civil cases in the Eastern District of New York. The Legal Assistance Project is part of the City Bar Justice Center (CBJC) and the Project's attorney works for the CBJC. The Project is not part of the United States District Court.

Services We Can Provide

The Legal Assistance Project attorney can explain court procedures and rules involved in your case, give you information about legal rights and responsibilities, provide limited-scope legal advice, and help you prepare some of your court papers. The Legal Assistance Project attorney can also make referrals to legal, government and social services. Limited scope means that even though the Legal Assistance Project attorney may provide information, advice and some legal help, she will not be the lawyer representing you on your case. You will still be acting as your own lawyer unless you obtain a lawyer later.

Who Can Use Our Services?

Anyone who cannot afford a lawyer and is representing himself/herself as a plaintiff or a defendant in a civil case in the U.S. District Court for the Eastern District of New York, or who is preparing to file a case in this district may use our services. If you already have a lawyer representing you, or if you can afford to hire a lawyer, this service is not available to you.

Appointments and Hours

The Legal Assistance Project attorney can meet with you by appointment. Our office is located on the ground floor of the United States courthouse at 225 Cadman Plaza East, Brooklyn, NY, Room N-108.

Appointments are available Mondays through Thursdays.

How to make an appointment

You can make an appointment by calling 212-382-4729 or by signing up on the appointment list in the waiting area of the CBJC Legal Assistance Project office.